

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

RICHARD J. FLORES,

Plaintiff,

v.

LUTHER SCHWARTZ and ROBIN MAY,

Defendants.

Case No. 3:20-cv-430-AR

ORDER

Michael H. Simon, District Judge.

United States Magistrate Judge Jeff Armistead issued Findings and Recommendation in this case on February 28, 2025. Judge Armistead recommended that this Court grant Defendants’ motion for summary judgment and deny Plaintiff’s cross-motion for summary judgment, motions to add his wife as a party, and motion to file an amended complaint. No party has filed objections.

Under the Federal Magistrates Act (“Act”), the court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). If a party objects to a magistrate judge’s findings and recommendations, “the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.*; Fed. R. Civ. P. 72(b)(3).

If no party objects, the Act does not prescribe any standard of review. *See Thomas v. Arn*, 474 U.S. 140, 152 (1985) (“There is no indication that Congress, in enacting [the Act], intended to require a district judge to review a magistrate’s report to which no objections are filed.”); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) (holding that the court must review *de novo* magistrate judge’s findings and recommendations if objection is made, “but not otherwise”).

Although review is not required in the absence of objections, the Act “does not preclude further review by the district judge[] *sua sponte* . . . under a *de novo* or any other standard.” *Thomas*, 474 U.S. at 154. Indeed, the Advisory Committee Notes to Rule 72(b) of the Federal Rules of Civil Procedure recommend that “[w]hen no timely objection is filed,” the court review the magistrate judge’s findings and recommendations for “clear error on the face of the record.”

No party having made objections, the Court follows the recommendation of the Advisory Committee and reviews Judge Armistead’s Findings and Recommendation for clear error on the face of the record. No such error is apparent.

The Court ADOPTS Judge Armistead’s Findings and Recommendation, ECF 90. The Court GRANTS Defendants’ motion for summary judgment, ECF 63, and terminates this case. The Court DENIES Plaintiff’s cross-motion for summary judgment, ECF 81, DENIES Plaintiff’s motions to add his wife as a party, ECF 68, 73, and DENIES Plaintiff’s motion to file an amended complaint, ECF 78.

IT IS SO ORDERED.

DATED this 1st day of April, 2025.

/s/ Michael H. Simon
Michael H. Simon
United States District Judge